

REMARKS

Claims 1, 4, 6-30 and 33-55 are pending. No claim amendments have been made herein.

Claims 1, 6-9, 11-14, 18, 20-30, 33-36, 38-43, 47, and 49-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,220,501 to Lawlor et al. ("Lawlor") in view of U.S. Patent No. 5,485,370 to Moss ("Moss"). Claims 4, 10, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawlor in view of Moss and further in view of Official Notice. Claims 15-17, 19, 44-46, and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawlor in view of Moss and further in view of Munroe, Tony. "Citibank Offers Service Link Through Computers at Home." Washington Times, Washington D.C., Section B, page 7, November 10, 1994 ("Munroe").

Rejection of Claims 1, 6-9, 11-14, 18, 20-30, 33-36, 38-43, 47, and 49-55
under 35 U.S.C. § 103

Claims 1, 6-9, 11-14, 18, 20-30, 33-36, 38-43, 47, and 49-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawlor in view of Moss. This rejection is respectfully traversed.

Lawlor and Moss fail to teach each and every element of the pending claims. More specifically, Lawlor and Moss fail to teach "wherein the home banking terminal is a personal computer," as recited in claim 1. On pages 2-3 of the Office Action, the Examiner maintains that "Lawlor's ATM terminal is a functional equivalent to a personal computer," and "In the instant invention, the type of terminal used does not affect the manipulative steps of the method." However, claim 1 also recites "providing user software for installation by a customer on the at least one home banking terminal." Because a customer cannot install any software on an ATM, the ATM is not equivalent to a home banking terminal or a personal computer. The Examiner's broad interpretation of a personal computer in one claim limitation is contradicted by the next limitation.

Further, the claim itself distinguishes between an ATM and a home banking terminal by "displaying a first user interface on a screen of the ATM and displaying a second user interface on a screen of the home banking terminal in the user selected language, wherein the first user interface and the second user interface are substantially the same." So the personal computer

(i.e., home banking terminal) is used in the installation of user software and is used to display the second user interface on the screen of the personal computer.

On page 3 of the Office Action, the Examiner further asserts that “Lawlor creates a for-home-use ATM terminal that is sent to individuals for their personal use does not necessarily mean that these ATM terminals are not a type of personal computer. The ATM terminal operates as a compute and it is provided to an individual for personal use, thus making it a type of computer.” But Lawlor’s ATM terminal does not teach a personal computer, even under its broadest reasonable interpretation. It is well known by one of ordinary skill in the art that a personal computer is a general purpose computer and can perform a variety of functions. In contrast, Lawlor’s ATM terminal is not a general purpose computer, as it can only perform certain functions of an ATM. In fact, Lawlor recognizes the existence of personal computers and directly teaches against their use, and instead, Lawlor chooses to use an ATM terminal. Lawlor recognizes the existence of personal computers:

Not long ago, “home banking” was thought to be just around the corner. With the advent of relatively inexpensive, powerful *personal computers*, the computer industry hoped (and predicted) that a personal computer with communications capability (e.g., modem) would soon find its way into every home.

Lawlor, col. 1, lines 20-25 (emphasis added). Lawlor also acknowledges the disadvantages to using a personal computer for Lawlor’s intended purpose:

In addition, the cost of providing home banking services have been enormous. Service providers incur very high communications costs in linking their central processors with PC users, banks, and payees (merchants). Many payees also do not accept electronic payments (for lack of substantial volume), forcing service providers to make costly paper-based payments.

Lawlor, col. 2, lines 2-29. Lawlor even recognizes that it is undesirable to require installation of software:

Settlements processing can also be costly, as banks must *install special purpose software* and operating procedures. These and other costs have been passed along to consumers, thereby dampening the demand for home banking services.

Lawlor, col. 2, lines 29-35 (emphasis added). As a result, Lawlor declares personal computers for home banking to be a “failure”:

In part because of the problems discussed above, *PC-based home banking is not yet a practical reality* for most consumers. In fact, many home banking programs launched in the past have been declared *failures and discontinued*.

Lawlor, col. 2, lines 45-50 (emphasis added). As a result, Lawlor uses an ATM, which Lawlor believes is different from a personal computer, but Lawlor recognizes that it has only *limited functionality*:

While ATMs are very easy-to-use, they currently allow users to *access only a limited number of bank teller services*.

Lawlor, col. 4, lines 12-14 (emphasis added). Thus, amongst the reasons discussed in the previous Response, Lawlor teaches away from the use of a personal computer.

On pages 3-4 of the Office Action, the Examiner asserts that the software in Lawlor and Moss must be installed by a person, and a “customer” is just a label for a person. As a result, the Examiner asserts that the “claim does not specify whose customer the claimed customer is or how the method is affected by the nature of the person doing the installation itself; therefore, clarification of who installed the software does not impart significant patentable weight on the claimed invention.” The Examiner’s argument here is deficient for multiple reasons. First, by considering a “customer” to be any person, the Examiner is rendering this limitation superfluous, which runs contrary the basic principles of patent law. *See, e.g., Retractable Technologies, Inc. v. Becton, Dickinson and Co.*, ___ F.3d ___, 2011 WL 2652448 (Fed. Cir. Jul. 8, 2011); *Foremost In Packaging Sys. v. Cold Chain Technologies*, 485 F.3d 1153 (Fed. Cir. 2007) (each word in a claim is presumed to have meaning); *In re Gabapentin Patent Litigation*, 503 F.3d 1254, (Fed. Cir. 2007); *Stumbo v. Eastman Outdoors, Inc.*, 2007 WL 4180137 (Fed. Cir. 2007); *Bicon v. Straumann*, 441 F.3d 945, 950 (Fed. Cir. 2006). Second, there are very clear manufacturing and security concerns regarding the installation of software by a customer as opposed to another person. For example, when using an ATM, a customer is not able to install software. When the ATM is positioned in a bank branch or other location, the customers can use the limited functionality of the ATM, but they cannot install any software. So the ATM must be pre-configured or manufactured with the appropriate software before it is located in a location for use by customers. Also, allowing a customer to install software on an ATM could compromise the integrity of the ATM, thereby making sensitive financial information or cash available to other unauthorized parties. In the pending claims, a customer installs software, and it is apparent in the plain language of the claims that the customer is not just any person.

Therefore, Lawlor and Moss fail to teach each and every element of claims 1, 6, 30, and 33. Because claims 7-9, 11-14, 18, 20-30, 34-36, 38-43, 47, and 49-55 depend from claims 1, 6,

30, and 33 it is respectfully submitted that these claims are also in condition for allowance. Therefore, the undersigned respectfully requests that the pending rejections under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 4, 10, and 37 under 35 U.S.C. § 103(a)

Claims 4, 10, and 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawlor in view of Moss and further in view of Official Notice. This rejection is respectfully traversed. For at least the reasons discussed above with respect to claims 1, 6, 30, and 33, Lawlor and Moss do not teach each and every element of claims 4, 10, and 37. As discussed above, Lawlor and Moss do not teach “installing user software by a customer,” as recited in amended claim 4. Because the independent claims are believed to be allowable, the claims depending therefrom are also believed to be in condition for allowance. Therefore, the undersigned respectfully requests that the pending rejections under 35 U.S.C. § 103(a) be withdrawn.

Rejection of Claims 15-17, 19, 44-46, and 48 under 35 U.S.C. § 103(a)

Claims 15-17, 19, 44-46, and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawlor in view of Moss and further in view of Munroe. This rejection is respectfully traversed. For at least the reasons discusses above, Lawlor and Moss do not teach each and every element of claims 1, 6, 30, and 33. Because the independent claims are believed to be allowable, the claims depending therefrom are also believed to be in condition for allowance. Therefore, the undersigned respectfully requests that the pending rejections under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account 19-3140.

Dated: September 26, 2011

Respectfully submitted,

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